

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12885 of National Corporation for Housing Partnerships, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the side yard requirements allowing construction of an apartment building which does not share a common division wall (Sub-section 3305.4) and from the open court requirements (Sub-section 3306.1) to construct a 176 unit apartment house in an R-5-D District at the premises 1325 - 15th Street, N.W., (Square 210, Lots 42, 43, 118, 812 and 816).

HEARING DATE: March 14, 1979

DECISION DATE: March 14, 1979 (Bench Decision)

FINDINGS OF FACT:

1. At the public hearing the applicant requested permission to amend the application to add a request for a special exception under Sub-section 3308.2 to allow two roof structures of unequal height on the same roof. The Board allowed the applicant to so amend the application.

2. The subject property is located at the northwest corner of the intersection of 15th Street and Rhode Island Avenue, N.W., known as 1325 - 15th Street, N.W. The site is in the R-5-D District.

3. The subject property is currently being used as a parking lot.

4. The subject property is 263 feet long along 15th Street. It is 100 feet deep at its northernmost point. However, the site has only 54.75 feet of frontage on Rhode Island Avenue. The lot thus has an irregular configuration in a panhandle shape, being only fifty feet deep for about half its length.

5. The National Corporation for Housing Partnerships, formed in 1968 by an Act of Congress, was created with the primary purpose of involving the private sector in developing housing for low and moderate income people. The project proposed at 1325 - 15th Street, N.W. is a 176 unit high rise apartment building located at the corner of Rhode Island Avenue and 15th Street, N.W. The project is to be a market rate rental apartment house under HUD mortgage insurance.

6. Under the strict application of Sub-section 3305.4, a side yard is required where a multiple dwelling does not share a common division wall with an existing building or a building being constructed together with the new building.

7. The property is adjoined by a public alley thirty feet in width to the north and by a ten foot wide public alley to the east at the rear. The only abutting properties are lots 120 and 811. Lot 120 abuts the property to the east, and is owned by the Black Child Development Institute. Lot 811 abuts the property on the south. Neither lot has a building which abuts its rear property line, so as to enable a building on the subject site to share a common division wall with another building.

8. There was formerly a five foot wide easement across the subject lot for the benefit of the owner of lot 120. With the agreement of that owner, the easement has been relocated to provide a ten foot wide open space area adjacent to lot 120. This easement area precludes the two buildings from sharing a common division wall. There is thus no adjacent property with an improvement which could furnish a common division wall for the subject site.

9. In the R-5-D District, a 6.0 F.A.R. is permitted. However, because of the size, shape and configuration of the lot the maximum F.A.R. of approximately 5.87 can be achieved only if the side yard is not provided at the northern end of the site adjacent to the thirty foot public alley. If the side yard were to be required, the building would have to eliminate twenty units, or two units for the double loaded corridor for ten stories. There is no feasible way to make up this loss of units or F.A.R.

10. The requirement for a side yard under Sub-section 3305.4 is in the regulations to insure adequate open space around a building. Here the building has more than adequate open space and in fact has a thirty foot alley to the north where the side yard would go.

11. The variance relief under Sub-section 3306.1 was brought about by virtue of a change in the regulations concerning the measurement of height of open court. As the building was designed the building complied with the Zoning Regulations as to court requirements with a ten foot wide court, since the measurement of height of court was then measured from the lowest openable window. On June 8, 1978 the Zoning Commission amended the regulations so as to change the method of computing the required open court for height of building by defining height of court "as the vertical distance from the lowest level of the court to the highest point of any bounding wall". The court is thus required to be a minimum of 22.33 feet wide. Only ten feet is provided, thus requiring a variance of 12.33 feet.

11. By virtue of the narrow depth of the panhandle portion of the lot, only a single-loaded corridor design can be permitted in the construction of the building. If the full open court were to be provided, the depth of the building in the panhandle area would be insufficient to permit construction of the building. Thus, it would be unduly burdensome to force the applicant to construct the building under the strict application of the regulations.

12. The proposed building will be under the permitted F.A.R. and the lot occupancy will be approximately 61.5 per cent well below the seventy-five per cent lot occupancy permitted. Under these circumstances the Board finds that the grant of the variances will have no detrimental effect on properties in the area and that the development is in keeping with the zone plan of the City.

13. Under the strict application of Paragraph 3308.12, all roof structures should be enclosed in a single enclosure and should be of uniform height. The height of the principal roof structures will meet the eighteen feet six inch limit of the Regulations and such structures will be enclosed in a closure harmonizing with the side of the building. However, due to the Building Code requirements, a separate stairwell access is required on the roof a substantial distance away to the north which will also be a "roof structure" within the meaning of the Regulations. Such stairway roof structure will have a height of approximately eight feet, 10.5 inches. Because of the distance between the structures and the different heights it would be impracticable to force both roof structure areas to be enclosed in a single uniforming enclosure with a uniform height.

14. The stairwell roof structure will not be visible from 15th Street and the enclosure otherwise provided meets the requirements of Sub-section 3308.2.

15. There was no report from Advisory Neighborhood Commission 2C.

16. There was no opposition to the grant of this application.

CONCLUSIONS OF LAW:

The Board concludes that the requested variances are area variances, the granting of which requires the showing of a practical difficulty arising out of the property itself. The Board concludes that the irregular shape of the property, the lack of a suitable adjoining building with which the subject building could share a common division wall, and the presence of the easement related to lot 120 combine to create

a practical difficulty for the owner.

As to the roof structure special exception, the Board concludes that the applicant has demonstrated that it is impracticable to locate all roof structures in one enclosure of equal height because of code requirements and the shape and size of the lot.

The Board further concludes that both variances and the special exception can be granted without adverse effect on the surrounding neighborhood and without impairing the intent purpose and integrity of the Zone plan. The roof structures will be in harmony with the purpose and intent of the Zoning Regulations and will not tend to adversely effect the use of nearby and adjoining property. It is therefore ORDERED that the application, as amended, is hereby GRANTED.

VOTE:

5-0 (Chloethiel Woodard Smith, Charles R. Norris, Walter B. Lewis, Leonard L. McCants and William F. McIntosh to grant).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER

9 APR 1979

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.